

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 4 OF 2015
IN
TESTAMENTARY PETITION NO. 1260 OF 2014**

Veena Chaturbhuj Gvalani	...Plaintiff
<i>Versus</i>	
Seema Kamal Gvalani	...Caveatrix

Ms. Sushma Singh, for the Plaintiff/Applicant..

**CORAM: G.S. PATEL, J
DATED: 22nd June 2016**

PC:-

1. This is the Plaintiff's Chamber Summons for discharge of a Caveat filed by one Seema Kamal Gvalani. Seema has filed a Caveat and an Affidavit in Support. The Petitioner alleges that Seema is not the widow of the deceased and that she was not lawfully married to him. It is not in dispute that had Seema been lawfully married to deceased, she would have a caveatable interest. Whether or not that marriage was lawful is not a matter that can be decided in a summary fashion in a Chamber Summons.

2. The Affidavit in Support of the Caveat makes out distinct grounds of challenge. It will be open for the Plaintiff to apply for an additional issue to be framed in the Suit as to the validity of the Seema's marriage to the deceased. However, the reliefs sought for in the Chamber Summons cannot be granted.

3. The Chamber Summons is dismissed with these observations.

4. List the Suit for framing issues on the supplementary board on 24th June 2016.

(G. S. PATEL, J.)